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OFFICE OF PETITIONS

In re Application of
Steve Lee et al.
Application No. 10/668,220
Filed: September 24, 2003
Attorney Docket No. 0941-0844P

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the request for reconsideration filed March 23, 2004, under 37 CFR 1.47(a).

The petition is GRANTED.

The above-identified application was filed on September 24, 2003 with a petition to accord status under 37 CFR 1.47 because while joint inventor Steve Lee had signed the oath or declaration, joint inventor Donnie Wu refused to do so. The petition filed with the application was dismissed in a decision mailed January 23, 2004 because no proof was presented to support the claim that non-signing inventor Wu refused to execute the oath or declaration..

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
- (3) the petition fee; and
- (4) a statement of the last known address of the non-signing inventor.

In response to the decision dismissing the petition filed with the application, the instant renewed petition establishes that Mr. Wu verbally refused to cooperate with the filing of the instant application in a telephone conversation with joint inventor Lee.

All requirements under 37 CFR 1.47(a) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to the Office of Initial Patent Examination for further pre-examination processing.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions